

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
) DA 00-1028
Policy and Rules Concerning the) CC Docket No. 96-61
Interstate, Interexchange Marketplace)

REPLY COMMENTS ON TRANSITION PLAN

Pursuant to the Commission's notice released on May 9, 2000, in the above-referenced proceeding ("Public Notice"), the Telecommunications Management Information Systems Coalition (the "Coalition")¹ hereby submits its reply comments on the Commission's transition plan for mandatory detariffing set forth in the Public Notice. The Coalition continues to urge the Commission require carriers to comply with the public disclosure obligations at the time that they choose to detariff, and in no event later than the nine-month transition period for detariffing established by the Commission. Further, the Coalition urges the Commission to mandate that carriers disclose service information -- for both mass market service and individually negotiated business arrangements -- in sufficient detail to permit informed consumer choice.

ARGUMENT

A. The Commission Should Require Carriers To Comply With The Public Disclosure Requirements, Including The Website Posting Requirements, No Later Than When They Choose To Detariff

In its initial comments, the Coalition argued that the Commission should clarify that carriers must comply with the public disclosure rules as to any particular service no later than the time that they choose to detariff that service. Without such a requirement, an "information gap"

¹ The Coalition is composed of three telecommunications management information systems companies and was formed for the purpose of participating in this proceeding. The three companies are Salestar, Center for Communications Management Information ("CCMI"), and Tele-Tech Services ("Tele-Tech").

would result, thus undercutting the important consumer disclosure objectives for which the rules were designed. The majority of the commenters agreed that carriers should be required to post their offerings on a website at the same time as they detariff their offerings, in no event later than the end of the nine-month transition period for detariffing adopted by the Commission.² Many of these commenters thus acknowledge that the required web posting would occur sooner than the end of the transition period if the carrier detariffed its offerings before the deadline.³ Only AT&T suggested that compliance with the web posting requirement should be delayed until after the expiration of the transition period.⁴ The Coalition agrees with the majority of commenters that the time period for coming into compliance with the web posting requirements should be coterminous with detariffing, and in no event later than the end of the nine-month transition period, in order to avoid an information gap.

In addition, the Coalition continues to urge the Commission to adopt specific time frames for filing and updating information. As indicated in the Coalition's initial comments, acceptable time frames would be: (a) in most cases, within twenty-four hours of the effectiveness of new or revised rates, terms or conditions, or (b) for new or revised rates, terms or conditions that

² See Comments of the Association of Communications Enterprises, CC Docket No. 96-61, DA 00-1028, at 3 (May 31, 2000) ("ASCENT Comments"); Comments of Bell Atlantic Long Distance, CC Docket No. 96-61, DA 00-1028, at 1-2 (May 31, 2000) ("Bell Atlantic Comments"); Comments of Sprint Communications Company L.P., CC Docket No. 96-61, DA 00-1028, at 6 (May 31, 2000) ("Sprint Comments"); Comments of Worldcom, Inc., CC Docket No. 96-61, DA 00-1028, at 5-6 (May 31, 2000) ("Worldcom Comments"); Comments of GTE, CC Docket No. 96-61, DA 00-1028, at 5 (May 31, 2000).

Econobill and the General Services Administration recommended fixing earlier deadlines for web posting, *prior* to the end of the transition period. See Comments of Econobill Corporation, CC Docket No. 96-61, DA 00-1028, at 2 (May 31, 2000) ("Econobill Comments") (suggesting a July 1, 2000 deadline regardless of the date of detariffing); Comments of the General Services Administration, CC Docket No. 96-61, DA 00-1028, at 6 (May 31, 2000) (suggesting a September 30, 2000 deadline). Although the Coalition does not object to the concept of an earlier deadline for web posting, the Coalition does not believe that web posting necessarily needs to be implemented prior to actual detariffing.

³ See ASCENT Comments at 3; Bell Atlantic Comments at 2; Sprint Comments at 6; Worldcom Comments at 5-6.

⁴ Comments of AT&T Corp., CC Docket No. 96-61, DA 00-1028, at 8 (May 31, 2000) ("AT&T Comments").

become effective over a weekend or holiday, no later than the next business day after the effective date. Allowing carriers to make information available “in a timely manner” and update such information “regularly” without guidelines from the Commission would result in irregular and likely infrequent reporting of information, to the detriment of consumers.

Some of the carriers focused in their comments on the difficulties inherent in establishing a website that complies with the Commission’s requirements.⁵ Requiring carriers to comply with the public disclosure rules no later than the time that they choose to detariff does not disadvantage carriers that may need a few months to develop their websites. Such carriers could simply wait until the website is prepared before detariffing the affected services. In the unlikely event that any carriers are unable to comply with the web posting requirement by the end of the transition period, they should seek waivers or extensions from the Commission to permit them to comply simultaneously with the web posting and detariffing requirements, so that no information gap occurs.⁶

B. Public Disclosure Information Must Be In Sufficient Detail To Allow Informed Consumer Decision-Making

The Coalition urges the Commission to require carriers to disclose their rates, terms and conditions in sufficient detail to permit consumers to make informed choices regarding their telecommunications services.⁷ As indicated in its initial comments, the Coalition urges the

⁵ See, e.g., Sprint Comments at 5-6; Worldcom Comments at 5.

⁶ At a minimum, a carrier having difficulty meeting the web posting requirement by the transition deadline should be able to post the withdrawn tariff at the same time that it detariffs and to update that document as it makes changes to its offerings. Posting and updating such a tariff, however, would be a temporary measure for a period of time to be determined by the Commission.

⁷ In its comments, Econobill states that carriers should be required to post “basic plan and rate information which consumers will find useful” to satisfy the web posting requirement. Econobill Comments at 2. While the Coalition agrees that the required postings should present information in a manner that consumers find useful and easy to understand, the Coalition urges the Commission to require more than simply basic plan and rate information. Only comprehensive and detailed information about service offerings will allow consumers to assess all of the actual implications of a service plan in terms of rates and other charges. If they have only limited information available to them, consumers will be unable to make truly informed choices.

Commission to clarify that sufficient detail should mean that the public disclosure reasonably mirrors the information currently available in the filed tariffs. Full and accurate information in a form that is easy to understand is necessary for truly informed consumer choice.

C. The Commission's Detariffing Rules Apply To Both Individually Negotiated Business Arrangements And Mass Market Service Arrangements

Worldcom's request that the Commission find that carriers need not post individually negotiated service arrangements on their websites and to declare accordingly that only standard mass market offerings must be disclosed publicly⁸ directly contravenes the Commission's Second Order on Reconsideration in this proceeding.⁹ As Worldcom acknowledges in a footnote,¹⁰ the Second Order on Reconsideration specifically provides: "in order for this disclosure requirement to be meaningful, it must apply to all arrangements, including mass market services and individually-negotiated service arrangements."¹¹ Accordingly, the Coalition encourages the Commission to deny Worldcom's request as a belated attempt for further reconsideration of the issue.

D. An "Informational Purposes" Only Banner Or Disclaimer For The Domestic Portion Of A Bundled Tariff Is Workable During The Transition Period

With respect to bundled tariffs, two commenters suggested that the Commission permit carriers, during the transition period, to place banners or disclaimers on their tariff pages that indicate that the information regarding domestic interstate services is provided only for informational or advisory purposes.¹² The purpose of such a banner or disclaimer would be to

⁸ Worldcom Comments at 7.

⁹ *In the Matter of Policy and Rules Concerning the Interstate, Interexchange Marketplace*, Second Order on Reconsideration and Erratum, 14 FCC Rcd 6004 (1999) ("Second Order on Reconsideration").

¹⁰ Worldcom Comments at 9, n.9.

¹¹ Second Order on Reconsideration at 6014, n.60.

¹² See Sprint Comments at 4-5; AT&T Comments at 4-5.

address the Commission's concern regarding the filed rate doctrine.¹³ The Coalition does not object to this proposal. The Coalition's primary concern is that the Commission prevent any timing gap with respect to information publicly available to consumers that is currently disclosed in tariffs and that is required to be disclosed in web postings when detariffing occurs. So long as carriers make the required information about their offerings available through web posting at the same time that they actually cease to provide the information in Commission filings, interim arrangements such as the suggested banner appear to be a workable approach.

CONCLUSION

For the reasons stated above, the Commission should clearly state that carriers must comply with the public disclosure obligations at the time that they choose to detariff, and that carriers must disclose service information -- for both mass market service and individually negotiated business arrangements -- in sufficient detail to permit informed consumer choice.

Respectfully submitted,

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¹³ See Sprint Comments at 4.
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of June, 2000, I caused a true and correct copy of the foregoing Reply Comments of the Telecommunications Management Information Systems Coalition to be served by hand delivery upon the following:

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